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By ECF

May 17, 2022

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*,
No. 20 Civ. 8924 (CM) (GWG)
This filing is related to all cases

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and I am among counsel for the defense in the above-referenced matter. I write pertaining to the Court's Order dated May 16, 2022, (Dkt. No. 541). In that regard, defendants write to; (1) provide the status of the ARGUS videos and issues that we foresee with producing them in the format ordered by the Court, including by Bates number; and (2) seek clarification of the Court's Order to conduct a "comprehensive review" of the Discovery Chart.

Defendants believe they can produce the ARGUS videos within the Court-ordered deadline. This Office received the videos yesterday. From our limited review, it appears that the videos are organized in folders by map with one folder per map. Similarly, it appears from our limited review that the file name of each video includes a numerical identifier for the camera, a description of the location, the date and the starting time of the video. We are currently seeking confirmation from the NYPD as to both. We intend to produce the video files natively and not alter the existing file names. We can provide plaintiffs with a spreadsheet listing each video file by folder and file name and assign a corresponding Bates number to that file. As the deadline to produce this material is May 27th, and we foresee possible issues with complying in the manner directed, we wanted to alert the Court and plaintiffs immediately.

Further, defendants seek clarification of the Court's order to "immediately perform a

comprehensive review of the Discovery Chart to determine whether there are any misstatements or misrepresentations on the most recent Discovery Chart provided to plaintiffs in addition to the misstatement admitted to in Docket No. 539.” As an initial matter, defendants assert that there was no admission in their letter to the Court at Docket No. 539 that defendants made a misstatement. Rather, defendants admitted only that they missed a Court-ordered deadline and failed to file a motion with the Court to extend that deadline with respect to the production of ARGUS videos. In terms of the Court’s Order regarding the Discovery Chart, defendants seek clarification as to whether the Court is instructing defendants to review the Discovery Chart to determine if it contains any other such deadline for the production of discovery that may have been missed in its entirety. Defendants believe this can be accomplished by the Court-ordered deadline. If the Court envisioned a more in-depth review, defendants believe that additional time would be required. We will report our findings as we understand it to the Court by the deadline. Defendants are mindful of Rule 26(e) and respectfully submit that they should be able to supplement productions without fear of the threat of sanctions.

Thank you for your consideration herein.

Respectfully submitted,

Amy Robinson s/

Amy Robinson

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Special Federal Litigation Division

cc: To All Plaintiffs’ Counsel *via* ECF